UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,210	08/16/2001	Gordon Wesley Braudaway	YOR919960153US4	3310

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EXAMINER
JOHNS, ANDREW W

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/931,210	BRAUDAWAY ET AL.
		Examiner	Art Unit	
		Andrew W. Johns	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 June 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-90_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _16,18-27,30-33,35-44,51-59,69,71-73,75-80 and 84-90_ is/are allowed.

6)☒ Claim(s) _1-7,11,13-15,17,28,29,34,45-50,60-68,70,74 and 81-83_ is/are rejected.

7)☒ Claim(s) _8-10 and 12_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 January 2002_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _8/16/01, 1/25/02_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election of Group I (claims 1-15, 17, 45-50, 60-67, 74 and 81-83) in the reply

filed on 24 June 2004 is acknowledged. Because applicant did not distinctly and specifically

point out the supposed errors in the restriction requirement, the election has been treated as an

election without traverse (M.P.E.P. § 818.03(a)).

However, upon further review, it does not appear that examining all the claims together

will present an undue burden upon the Office, so that the previous restriction requirement is

hereby withdrawn. All pending claims (i.e., claims 1-90) remain under consideration and will be

treated on the merits herein.

Drawings

2.   The drawings filed on 23 January 2002 are acceptable subject to correction of the

informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-

948. In order to avoid abandonment of this application, correction is required in reply to the

Office action. The correction will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-4, 15, 17, 28-29, 34, 45, 50, 60, 67-68, 70, 74, 83 are rejected under 35 U.S.C.

§ 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

In claim 1, the recitation of "said pixel" at line 5 is ambiguous because it is unclear which of the previously recited "plurality of pixels" is referred to by this recitation. It is believed that amending this recitation to read "said pixels" would resolve this issue. In addition, the recitation of "said brightness data" at line 12 is indefinite because none of the preceding claim language

5   recites or defines any such brightness data, so that it is unclear what data is referred to and further defined by this recitation. Claim 45 includes identical recitations at lines 9 and 16, which are similarly indefinite. Claims 2-4, 17 and 60 are variously dependent from claim 1 and are therefore also indefinite.

In claim 15, the recitation of "said brightness multiplying factor" at line 44 (in step (l)) is

10   indefinite because the preceding claim language does not recite or define any such brightness multiplying factor, so that it is unclear what feature is referred to and further limited by this recitation. It appears that this recitation was meant to refer to the "brightness adding and/or subtracting factor" recited at lines 8-9 of claim 15, and it is suggested that amending the recitation at line 44 to correspond to the recitation at lines 8-9 would resolve this issue. Claim 50

15   includes an identical recitation at line 48, which is similarly indefinite. In addition, the recitation of "the step of aligning" at lines 1-2 of dependent claim 67 is ambiguous, because it is unclear which recitation of the parent claim this language is meant to refer to and further define. Specifically, claim 15 recites "aligning" at line 11 (step (b)) and at line 23 (step (e)), so that the further limitation of claim 67 is cannot be clearly understood. Claim 83 is dependent from claim

20   15 and is therefore also indefinite.

The recitation of "said coincidence variable" in lines 1-2 of claim 28 lacks proper antecedent basis in the preceding claim language, because none of the preceding claim language recites or defines any coincidence variable. Therefore, it is unclear what variable is referred to

and further limited by this recitation. Claim 20, from which claim 28 depends, does recite a "coincidence value" at line 6, and it appears that amending the recitation in claim 28 to correspond to this recitation of claim 20 would resolve this issue. Claim 29 is dependent from claim 28 and is therefore also indefinite.

5   The recitation of "said attribute" at lines 1-2 of claim 34 also lacks proper antecedent basis in the preceding claim language. Specifically, claim 30, from which claim 34 depends, does not recite or clearly define any "attribute" so that is it unclear what attribute is referred to by this recitation. Claim 33 includes a recitation defining an attribute, so that it appears that amending claim 34 to be dependent from claim 33 rather than claim 30 would resolve this issue.

10   In addition, in claim 68, the recitation of "said marked image" at line 2 lacks clear antecedent support in the preceding claim language. Specifically, claim 16, from which claim 68 depends, fails to recite or clearly define a marked image, so it is unclear what image is referred to by this additional language in claim 68. Claims 70 and 74 include identical recitations that similarly fail to find proper antecedent support in the language of claims 30 and 61, from which

15   they variously depend.

Finally, the recitation of "the means of providing" at lines 1-2 of claim 74 is indefinite because none of the preceding claim language recites or defines any "means of providing," so that it is unclear what means is referred to and further defined by this recitation.

Claim Rejections - 35 U.S.C. § 102

20   5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 5-7, 13, 46, 48, 61-62 and 81 are rejected under 35 U.S.C. § 102(e) as being

anticipated by Braudaway et al. '759 (US 5,530,759 A)

The applied reference has a common inventor and assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35

U.S.C. § 102(e). This rejection under 35 U.S.C. § 102(e) might be overcome either by a showing

under 37 C.F.R. § 1.132 that any invention disclosed but not claimed in the reference was

derived from the inventor of this application and is thus not the invention "by another," or by an

appropriate showing under 37 C.F.R. § 1.131.

With respect to claim 5, Braudaway et al. '759 teaches a method for imparting a

watermark onto a digitized image (column 1, lines 7-9) comprising the steps of providing said

digitized image comprising a plurality of pixels (column 4, lines 10-12), wherein each of said

pixels includes brightness data that represents a brightness of at least one color (column 4, lines

60-66; each pixel represents the brightness of at least one and up to three colors); and altering

said brightness data associated with a plurality of said pixels (column 6, lines 38-40) maintaining

the hue and saturation of said pixel (column 1, lines 66-67; the watermarking preserves the

chromaticities of the original image; column 3, lines 65-66; the color components can represent

intensity/saturation/hue, so that preserving the chromaticities inherently requires maintaining the

hue and saturation components).

Furthermore, Braudaway et al. '759 teaches a computer program product comprising a computer useable medium having computer readable program code means embodied therein (114 in Figure 1) for causing a watermark to be imparted into an image, the computer readable program code means in said computer program product comprising computer program code

5   means (column 4, lines 21-22 and 30-37) for causing a computer to effect the steps of providing said digitized image comprising a plurality of pixels (column 4, lines 10-12), wherein each of said pixels includes brightness data that represents a brightness of at least one color (column 4, lines 60-66; each pixel represents the brightness of at least one and up to three colors); and altering said brightness data associated with a plurality of said pixels (column 6, lines 38-40)

10   maintaining the hue and saturation of said pixel (column 1, lines 66-67; the watermarking preserves the chromaticities of the original image; column 3, lines 65-66; the color components can represent intensity/saturation/hue, so that preserving the chromaticities inherently requires maintaining the hue and saturation components), as further stipulated by claim 46.

In addition, Braudaway et al. '759 also teaches that the image has a plurality of rows and

15   columns of pixels (column 4, lines 10-11; the image is generated by scanning photographs or paintings, and therefore is inherently a two-dimensional array having plural rows and columns) having at least one brightness (column 4, lines 60-66), and that the altering includes adding to or subtracting from the brightness value of a pixel (column 6, lines 58-60) a different small random number (column 5, lines 41-47) corresponding to that pixel, as further required by claim 6; and

20   that the amount added to or subtracted from the image is proportional to the original pixel brightness (i.e., a scaling factor; column 6, lines 57-58), as defined in claim 7. Finally, Braudaway et al. '759 further teaches an apparatus for imparting a watermark on to a digitized

image, comprising mechanisms for performing the methods of claims 5 and 6 (shown generally

in Figure 1, for example), as variously stipulated by claims 61 and 62.

With respect to claim 13, Braudaway et al. '759 teaches a method for generating a

watermarked image (column 1, lines 7-9), the method comprising imparting a watermark onto a

digitized image having a plurality of original pixels, each of said pixels having at least one

original pixel brightness value (column 4, lines 60-66); providing said digitized watermarking

plane comprising a plurality of watermarking elements (column 4, lines 52-55), each element

having a watermark brightness multiplying factor (column 5, lines 6-15) and having a one-to-one

positional correspondence with said original pixels (column 5, lines 8-10 and 12-14; the

watermark "pixels" correspond to pixels in the original image); and producing a watermarked

image by multiplying said original brightness of each of said original pixels by said brightness

multiplying factor of a corresponding one of said watermark elements (column 6, line 7).

Furthermore, Braudaway et al. '759 teaches a computer program product comprising a

computer useable medium having computer readable program code means embodied therein

(114 in Figure 1) for causing generation of a watermarked image, the computer readable program

code means in said computer program product comprising computer program code means

(column 4, lines 21-22 and 30-37) for causing a computer to effect the steps of imparting a

watermark onto a digitized image having a plurality of original pixels, each of said pixels having

at least one original pixel brightness value (column 4, lines 60-66); providing said digitized

watermarking plane comprising a plurality of watermarking elements (column 4, lines 52-55),

each element having a watermark brightness multiplying factor (column 5, lines 6-15) and

having a one-to-one positional correspondence with said original pixels (column 5, lines 8-10

and 12-14; the watermark "pixels" correspond to pixels in the original image); and producing a

watermarked image by multiplying said original brightness of each of said original pixels by said

brightness multiplying factor of a corresponding one of said watermark elements (column 6, line

7). Finally, Braudaway et al. '759 further teaches an apparatus for generating a watermarked

image, comprising mechanisms for performing the method of claim 13 (shown generally in

Figure 1, for example), as further stipulated by claim 81.

7.   Claims 11, 47 and 63 are rejected under 35 U.S.C. § 102(b) as being anticipated by

Rhoads (US 5,636,292 A).

Rhoads teaches a method for imparting a watermark onto a digitized image comprising

the steps of providing said digitized image comprised of a plurality of pixels (column 8, lines 38-

40), wherein each of said pixels includes brightness data that represents a brightness of at least

one color (column 8, lines 40-43), with said image having I rows and J columns, and a pixel in

row i and column j having a brightness $Y(i,j)$ (column 8, lines 44-49); and for a plurality I and at

least one j adding to or subtracting from the brightness $Y(i,j)$ (column 13, lines 40-44) a random

value $e(i,j)$ (column 9, lines 34-36; the composite signal to be embedded is generated from a

plurality of random patterns; column 10, lines 6-10), wherein $1 \leq i \leq I$ and $1 \leq j \leq J$ are the row

and column indices of a pixel location in the image (column 10, lines 22-25), as stipulated by

claim 11.

With respect to claim 47, Rhoads teaches a computer program product comprising a

computer useable medium having computer readable program code means embodied therein

(column 11, line 7; Rhoads discloses the use of a computer to implement the invention) for

causing a watermark to be imparted into an image, the computer readable code means in said

computer readable product comprising computer readable program code means (i.e., image

manipulation software; column 11, line 8) for causing a computer to effect the steps of providing

said digitized image comprised of a plurality of pixels (column 8, lines 38-40), wherein each of

said pixels includes brightness data that represents a brightness of at least one color (column 8,

lines 40-43), with said image having I rows and J columns, and a pixel in row i and column j

having a brightness $Y(i,j)$ (column 8, lines 44-49); and for a plurality I and at least one j adding

5   to or subtracting from the brightness $Y(i,j)$ (column 13, lines 40-44) a random value $e(i,j)$

(column 9, lines 34-36; the composite signal to be embedded is generated from a plurality of

random patterns; column 10, lines 6-10), wherein $1 \leq i \leq I$ and $1 \leq j \leq J$ are the row and column

indices of a pixel location in the image (column 10, lines 22-25). Finally, Rhoads also teaches an

apparatus for imparting a watermark onto a digitized image (column 11, line 7; Rhoads discloses

10   the use of a computer to implement the invention) comprising mechanisms (i.e., image

manipulation software; column 11, line 8) for implementing the method of claim 11, as further

required by claim 63.

Because the priority applications do not include any disclosure describing adding to or

subtracting from the brightness values a random value, as stipulated by these claims, the priority

15   applications do not meet the requirements of 35 U.S.C. § 112, first paragraph, in that they fail to

show that applicant was in possession of the invention now claimed at the time the parent

priority applications were filed. Therefore, these claims, which each variously requires adding to

or subtracting from the brightness values a random value,, are not entitled to the benefit of the

filing date of the priority applications, and the effective filing date for these claims is considered

20   to be 16 August 2001.

8.   Claims 64-66 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wang '086

(US 6,263,086 B1).

Wang '086 teaches a method for detecting a watermark in a marked image (Abstract,

lines 1-3), said method comprising providing said marked image having said watermark (S1100

in Figure 7); processing the marked image and producing a screened image (2412 in Figure 5;

which is part of the global autocorrelation S1200); altering the screened marked image

5   employing a blurring filter in producing a filtered image (i.e., determining the mean (average)

values; 2434 in Figure 6; which is a part of piecewise autocorrelation S1500); and employing a

watermark detection method upon said filtered image to detect said watermark (S1700 in Figure

7), as variously required by claims 64 and 65. Furthermore, Wang '086 also teaches producing a

derivative image y screening, printing and scanning the marked image (column 3, lines 30-46),

10   as further required by claim 66.

Because the priority applications do not include any disclosure describing the use of the

blurring filter stipulated by these claims, the priority applications do not meet the requirements

of 35 U.S.C. § 112, first paragraph, in that they fail to show that applicant was in possession of

the invention now claimed at the time the parent priority applications were filed. Therefore,

15   claims 64-66, which each variously requires the blurring filter, are not entitled to the benefit of

the filing date of the priority applications, and the effective filing date for these claims is

considered to be 16 August 2001.

Double Patenting

9.   The nonstatutory double patenting rejection is based on a judicially created doctrine
20   grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
25   1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used
to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 C.F.R. § 3.73(b).

10.   Claims 5 and 61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 5,530,759 to Braudaway et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because the invention defined by the instant claims would have been obvious to one of ordinary skill in the art in view of the claims of the '759 patent. Specifically, claim 2 of the '759 patent imparts a watermark onto a digitized image (see the preamble of claim 1, from which claim 2 depends) by providing a digitized image (line 3 of claim 1 in the '759 patent) comprised of a plurality of pixels (while not explicitly defined in the claims of the '759 patent, a digital image implies a plurality of pixels defining the content of the image), wherein each of said pixels includes brightness data that represents a brightness of at least one color (line 6 of claim 1 and line 5 of claim 2 in the '759 patent; the pixels of the image represent brightness and color); and altering said brightness data associated with a plurality of said pixels ("modifying the corresponding pixel of the original image by changing the brightness"; see the '759 patent, claim 2, lines 4-5) maintaining the hue and saturation of said pixel ('759 patent, lines 5-6, "without changing the chromaticities"; one of ordinary skill in the art would recognize that hue and saturation represent the chromaticity of the image, so that not changing the chromaticity requires maintaining hue and saturation). While claim 2 of the '759 patent includes additional features or limitations not stipulated by claim 5 of the instant application, the use of the transitional term "comprising" in the instant claim fails to preclude the presence of the additional features, so that the instant claim is broadly encompassed by claim 2 of the '759 patent, and the two claims are

not patentably distinct. In addition, an apparatus with mechanisms for implementing the method

of claim 2 in the '759 patent would have been readily apparent to one of ordinary skill in the art,

so that the invention defined by claim 61 in the instant application would have been obvious to

one of ordinary skill in view of claim 2 in the '759 patent.

5   11.   Claims 1, 13-14, 45, 48-49, 60 and 81-82 are rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 18 and 21 of

U.S. Patent No. 5,825,892 to Braudaway et al. Although the conflicting claims are not identical,

they are not patentably distinct from each other because the invention defined by the claims of

the '892 patent (as set forth in the Reexamination Certificate) broadly encompass or suggest each

10   of the limitations of the instant claims. Specifically, with respect to claims 1 and 13 of the

instant application, claim 18 of the '892 patent defines a digitized image having a plurality of

pixels representing brightness values (preamble of claim 13 in the '892 patent, from which claim

18 depends), the pixels having at least one color component (i.e., red, green, or blue; claim 18 of

the '892 patent), a digitized watermark plane with a plurality of watermark elements having a

15   one-to-one correspondence with the pixels of the digitized image (first element of claim 13 in the

'892 patent) and multiplying the brightness data of each pixel by a corresponding multiplying

factor from the watermarking plane (second element in claim 13 of the '892 patent), said

watermark having an invisibility classification (last line in claim 13 of the '892 patent), so that

claims 1 and 13 of the instant application are not patentably distinct from claim 18 of the '892

20   patent. Similarly, claim 21 of the '892 patent defines substantially similar limitations to claim 14

of the instant application, except that claim 21 of the '892 patent stipulates that the watermarking

plane include a plurality of elements each having a brightness *multiplying* value, while claim 14

of the instant application requires that these elements be brightness *adding or subtracting* values.

However, it is a well established mathematical principle that an adjustment of a value by a multiplying factor can also be accomplished by adding or subtracting an appropriate percentage value that corresponds to the multiplying factor. Therefore, it would have been readily obvious to one of ordinary skill in the art that the adding or subtracting factors of the instant claims could

5   be substituted for the multiplying factor of the patented claims. Therefore the invention defined by claim 14 in the instant application would have been obvious to one of ordinary skill in the art. Furthermore, the implementation of the invention defined in the claims of the '892 patent using apparatus and/or computer program code would have been readily apparent to one of ordinary skill in the art, so that the invention variously defined in claims 45, 48-49, 60 and 81-82 of the

10   instant application is also not patentably distinct from that set forth in claims 18 and 21 of the '892 patent.

12.   Claims 15, 50 and 83 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 17 of U.S. Patent No. 6,577,744 to Braudaway et al. Although the conflicting claims are not identical, they are not patentably

15   distinct from each other because the invention defined by the claims of the instant application would have been obvious to one of ordinary skill in the art in view of the invention defined by the claims in the '744 patent. Specifically, each of the limitations of claims 15 and 50 of the instant application is substantially identically set forth in claims 1 and 17 of the '744 patent, except that the patent stipulates that the watermarking plane include a plurality of elements each

20   having a brightness *multiplying* value, while the claims of the instant application requires that these elements be brightness *adding and/or subtracting* values. However, it is a well established mathematical principle that an adjustment of a value by a multiplying factor can also be accomplished by adding or subtracting an appropriate percentage value that corresponds to the

multiplying factor. Therefore, it would have been readily obvious to one of ordinary skill in the art that the adding or subtracting factors of the instant claims could be substituted for the multiplying factor of the patented claims. Therefore the invention defined by claims 15 and 50 in the instant application would have been obvious to one of ordinary skill in the art in view of claims 1 and 17 of the '744 patent. Furthermore, the implementation of the invention defined in the claims of the '744 patent using an apparatus would have been readily apparent to one of ordinary skill in the art, so that the invention variously defined in claim 83 of the instant application is also not patentably distinct from that set forth in claims 1 and 17 of the '744 patent.

Allowable Subject Matter

13.   Claims 16, 18-27, 30-33, 35-44, 51-59, 69, 71-73, 75-80 and 84-90 are allowed.

14.   Claims 8-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15.   Claims 28-29, 34, 68 and 70 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph, set forth in this Office action.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Astola et al. teaches using filtering to embed and detect watermarks in images. Wang '971 processes watermarked images using screens.
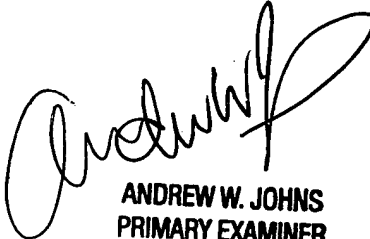
17.   Examiner Dastouri has transferred to another position within the Office, and this application has now been assigned to Examiner Andrew Johns, in Art Unit 2621. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (571) 272-7391. The examiner in normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time.

The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

5   If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The current fax phone number for this art unit is (703) 872-9306. However this number is scheduled to change and beginning July 15, 2005, faxes should be sent to (571) 273-8300. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

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        Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (571) 272-2600.

15

A. Johns

20   30 June 2005

ANDREW W. JOHNS
PRIMARY EXAMINER